

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

McKENNA DUFFY, individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

YARDI SYSTEMS, INC., BRIDGE  
PROPERTY MANAGEMENT, LLC,  
CALIBRATE PROPERTY MANAGEMENT  
LLC, CLEAR PROPERTY MANAGEMENT,  
LLC, DALTON MANAGEMENT, INC., HNN  
ASSOCIATES, LLC, LEFEVER MATTSON,  
MANCO ABBOTT, INC., MORGUARD  
CORPORATION, SUMMIT MANAGEMENT  
SERVICES, INC., CREEKWOOD PROPERTY  
CORPORATION, and LEGACY PARTNERS,  
INC.

Defendants.

Case No. 2:23-cv-01391-RSL

**STIPULATED MOTION FOR  
EXTENSION OF TIME TO RESPOND  
TO COMPLAINT AND ORDER**

---

STIPULATED MOTION FOR EXTENSION  
OF TIME TO RESPOND TO COMPLAINT & ORDER  
Case No.: 2:23-cv-01391-RSL

Matthew Carvalho  
Attorney at Law, PLLC  
720 Seneca Street  
Seattle, WA 98101  
(206) 799-688

1 Pursuant to Local Civil Rules 7(d)(1), 7(j), and 10(g), Plaintiff McKenna Duffy and  
 2 Defendants Yardi Systems, Inc. (“Yardi”), Bridge Property Management, LLC (“Bridge”),  
 3 Calibrate Property Management, LLC (“Calibrate”), Dalton Management, Inc. (“Dalton”),  
 4 LeFever Mattson (“LeFever”), Legacy Partners, Inc. (“Legacy”), HNN Associates, LLC  
 5 (“HNN”), Manco Abbott, Inc. (“Manco”), and Summit Management Services, Inc. (“Summit”),  
 6 (collectively, “Stipulating Defendants,”<sup>1</sup> and with Plaintiff, the “Stipulating Parties”), by and  
 7 through their respective counsel, hereby stipulate as follows:

8 1. WHEREAS, Plaintiff filed the Class Action Complaint (the “Complaint”) against  
 9 all Defendants in the above captioned action on September 8, 2023;

10 2. WHEREAS, Plaintiff served Stipulating Defendants with the Complaint on or  
 11 around September 14, 15, and 18, 2023;

12 3. WHEREAS, the Complaint asserts two claims under Section 1 of the Sherman  
 13 Act based on the alleged use of Yardi’s software for the multifamily leasing market;

14 4. WHEREAS, Plaintiff voluntarily dismissed their claims, without prejudice,  
 15 against non-Stipulating Defendants Jones Lang LaSalle Incorporated and Pillar Properties LLC  
 16 on September 25, 2023 (ECF Nos. 36-37);

17 5. WHEREAS, Plaintiff and Stipulating Defendants are not aware whether non-  
 18 Stipulating Defendants Morguard Corporation and Clear Property Management LLC are yet  
 19 represented by counsel and, in any event, have not yet connected with counsel;

20 6. WHEREAS, under Federal Rule of Civil Procedure (“Rule”) 12(a)(1)(A)(i), the  
 21 current deadline to answer, move to dismiss, or otherwise respond to the Complaint is October 5

---

22 <sup>1</sup> Defendant Creekwood Property Corporation (“Creekwood”) is in the process of engaging local counsel.  
 23 Creekwood’s attorneys have agreed to abide by this stipulation regarding their answer date and expect to make  
 24 an appearance as soon as local counsel is engaged.

1 as to Stipulating Defendants Yardi, HNN, LeFever, and Legacy, October 6 as to Stipulating  
2 Defendants Bridge, Dalton, and Summit, and October 9 as to Stipulating Defendants Calibrate  
3 and Manco;

4 7. WHEREAS, under Rule 12(a)(1)(A)(ii), Defendant Creekwood's deadline to  
5 answer, move to dismiss, or otherwise respond to the Complaint is on or around November 20,  
6 2023, because on September 19, 2023, Creekwood waived service;

7 8. WHEREAS, Plaintiff and Stipulating Defendants have conferred telephonically  
8 and by electronic mail, and have agreed that party and judicial efficiency would be best served  
9 by continuing the deadline for all Defendants to answer, move to dismiss, or otherwise respond  
10 to the Complaint to November 17, 2023;

11 9. WHEREAS, continuing all Defendants' deadline to answer, move to dismiss, or  
12 otherwise respond to the Complaint to November 17, 2023, would not prejudice any party  
13 because this case is in its early stages, no substantive filings have been made, and no schedule  
14 has been entered;

15 10. WHEREAS, the Stipulating Parties do not intend via this Stipulated Motion to  
16 shorten any Defendant's time to answer, move to dismiss, or otherwise respond to the  
17 Complaint. To the extent any current or future Defendant has a deadline to respond to the  
18 Complaint under Rule 12(a)(1) that falls after November 17, 2023, those deadlines will remain  
19 the same and such Defendants (if any) may answer, move to dismiss, or respond to the  
20 Complaint consistent with their Rule 12(a)(1) obligations after November 17, 2023; and

21 11. WHEREAS, the Stipulating Parties plan to meet and confer to propose a joint  
22 briefing procedure and schedule for the Court to consider within fourteen days of the entry of the  
23 proposed order, which the Stipulating Parties anticipate will provide for the filing of one  
24

1 oversized joint motion to dismiss addressing issues and arguments common to all Defendants  
2 and undersized motions to dismiss for each Defendant that wishes to make arguments unique to  
3 them.

4 THEREFORE, Plaintiff and Stipulating Defendants STIPULATE AND AGREE that:

5 The deadline for all Defendants to answer, move to dismiss, or otherwise respond to  
6 Plaintiff's Complaint is continued to November 17, 2023. This stipulation shall not shorten any  
7 Defendant's time to answer, move to dismiss, or otherwise respond to the Complaint to the  
8 extent any current or future Defendant's deadline under the Federal Rules of Civil Procedure to  
9 respond to the Complaint falls after November 17, 2023.

10 The parties will meet and confer to discuss a joint briefing schedule and page limits for  
11 any joint and/or individual motions to dismiss that Defendants anticipate filing in connection  
12 with the Complaint. The parties will submit their proposed briefing schedule to the Court within  
13 14 days of the entry of the order adopting this stipulation and, to the extent agreement cannot be  
14 reached, the parties will identify any outstanding areas of disagreement and each party's  
15 position.

16 STIPULATED to this 3<sup>rd</sup> day of October, 2023.

17  
18 Dated this 4th day of October, 2023.

19 

20 Robert S. Lasnik  
21 United States District Judge

22 Presented by:

23  
24 **HAGENS BERMAN SOBOL  
SHAPIRO LLP**

25  
26 Steve W. Berman (WSBA No. 12536)  
Theodore J Wojcik (WSBA No. 55553)

By: /s/ Steve W. Berman

Stephanie A Verdoia (WSBA No. 58636)

1 Xiaoyi Fan (WSBA No. 56703)

2 1301 Second Avenue  
Suite 2000, Seattle, WA 98101  
3 Telephone: 206-623-7292  
steve@hbsslaw.com  
4 tedw@hbsslaw.com  
stephaniev@hbsslaw.com  
5 kellyf@hbsslaw.com

6 Rio S Pierce  
715 Hearst Ave Ste 202  
7 Berkeley, CA 94710  
Telephone: 510-725-3000  
8 riop@hbsslaw.com

9 *Attorneys for Plaintiff, MCKENNA DUFFY*

10 **MATTHEW CARVALHO, ATTORNEY  
AT LAW, PLLC**

11 By: /s/ Matthew Carvalho  
12 Matthew Carvalho (WSBA #31201)  
720 Seneca Street  
13 Seattle, WA 98101  
Telephone: (206) 799-6888  
14 Email: matt@mattcarvalholaw.com

15 **DEBEVOISE & PLIMPTON LLP**

16 Maura K. Monaghan (*pro hac vice  
forthcoming*)  
17 Michael Schaper (*pro hac vice forthcoming*)  
Kristin D. Kiehn (*pro hac vice forthcoming*)  
18 66 Hudson Boulevard  
New York, NY 10001  
19 Telephone: (212) 909-6000  
Email: mkmonaghan@debevoise.com  
Email: mschaper@debevoise.com  
Email: kdkiehn@debevoise.com

20 Abraham Tabaie (*pro hac vice forthcoming*)  
650 California Street  
21 San Francisco, CA 94108  
Telephone: (415) 738-5700  
Email: atabaie@debevoise.com

22 *Attorneys for Defendant, YARDI SYSTEMS,  
INC.*

23 **BYRNES KELLER CROMWELL LLP**

24 By: /s/ Jofrey M. McWilliam  
Jofrey M. McWilliam (WSBA No. 28441)  
1000 Second Avenue, 38th Floor  
Seattle, Washington 98104  
Telephone: (206) 622-2000  
Email: jmcwilliam@byrneskeller.com

25 *Attorneys for Defendant, CALIBRATE  
PROPERTY MANAGEMENT LLC*

26 **CABLE HUSTON LLP**

27 By: /s/ Brian S. Epley  
28 Jon W. Monson (WSBA No. 43912)  
Brian S. Epley (WSBA No. 48412)  
1455 SW Broadway, Suite 1500  
Portland, OR 97201-3412  
Telephone: (503) 224-3092  
Email: jmonson@cablehuston.com  
Email: bepley@cablehuston.com

29 *Attorneys for Defendant, DALTON  
MANAGEMENT, INC.*

30 **SHOOK, HARDY & BACON L.L.P.**

31 By: /s/ Steven Rich  
32 Steven Rich (WSBA No. 48444)  
701 Fifth Avenue, Suite 6800  
33 Seattle, Washington 98104  
Telephone: (206) 344.7600  
Email: srich@shb.com

34 Ryan Sandrock (*pro hac vice forthcoming*)  
555 Mission Street Suite 2300  
35 San Francisco, California 94105  
Telephone: (415) 544.1900  
Email: rsandrock@shb.com

36 *Attorneys for Defendant, LEFEVER  
MATTSON*

1  
2  
3 **CORR DOWNS PLLC**

4 By: /s/ Jacob M. Downs  
5 Jacob M. Downs (WSBA # 37982)  
6 100 W. Harrison St., Suite N440  
7 Seattle, WA 98119  
8 Direct: (206) 962-5041  
Cell: (206) 683-6266  
Email: jdowns@corrdowns.com

9 **ROETZEL & ANDRESS**

10 Stephen W. Funk (*pro hac vice*  
*forthcoming*)  
11 222 South Main Street, Suite 400  
Akron, OH 44308  
12 Telephone: 330.849.6602  
Cell: 330.819.5387  
Email: sfunk@ralaw.com

13 *Attorneys for Defendant, SUMMIT  
MANAGEMENT SERVICES, INC.*

14 **HOLLAND & KNIGHT LLP**

15 By: /s/ Kristin Asai  
16 Kristin Asai (WSBA No. #49511)  
601 SW Second Avenue, Suite 1800  
17 Portland, OR 97204  
Telephone: (503) 243.2300  
18 Email: kristin.asai@hklaw.com

19 Kenneth Racowski  
20 1650 Market Street, Suite 3300,  
Philadelphia, PA 19103  
21 Telephone: (215) 252.9580  
Email: Kenneth.Racowski@hklaw.com

22 *Attorneys for Defendant, LEGACY  
PARTNERS, INC.*

23  
24  
25  
26 STIPULATED MOTION FOR EXTENSION  
OF TIME TO RESPOND TO COMPLAINT & [PROPOSED ORDER]  
Case No.: 2:23-cv-01391-RSL

1  
2  
3 **NORTON ROSE FULBRIGHT US LLP**

4 Michael Swartzendruber  
2200 Ross Avenue, Suite 3600  
5 Dallas, Texas 75201  
Telephone: 214-855-8067  
6 Email:  
7 michael.swartzendruber@nortonrosefulbrig  
ht.com

8 Eliot Turner  
1301 McKinney, Suite 5100  
9 Houston, TX 77010  
Telephone: 713-651-5113  
Email:  
10 eliot.turner@nortonrosefulbright.com

11 *Attorneys for Defendant, CREEKWOOD  
PROPERTY CORPORATION*

12 **PERKINS COIE LLP**

13 By: /s/ David A. Perez

14 David A. Perez, WSBA No. 43959  
15 DPerez@perkinscoie.com  
16 Elvira Castillo, WSBA No. 43893  
17 ECastillo@perkinscoie.com  
18 Tiffany Lee, WSBA No. 51979  
19 TiffanyLee@perkinscoie.com  
Marten King, WSBA No. 57106  
20 MKing@perkinscoie.com  
1201 Third Avenue, Suite 4900  
21 Seattle, WA 98101-3099  
Telephone: 206.359.6767

22 Adrianna Simonelli, WSBA No. 58472  
ASimonelli@perkinscoie.com  
1120 NW Couch Street, Tenth Floor  
Portland, Oregon 97209-4128  
Telephone: 503.727.2000  
Facsimile: 503.727.2222

1 *Attorneys for Defendant, HNN ASSOCIATES,  
2 LLC*

3 **SPENCER FANE LLP**

4 By: /s/ Rob Warzel  
5 Rob Warzel (WSBA No. 56360)  
2415 East Camelback Road, Suite 600  
Phoenix, AZ 85016  
Telephone: 602-333-5430  
rwarzel@spencerfane.com

6  
7 Jessica Nelson (*pro hac vice forthcoming*)  
Donald Heeman (*pro hac vice forthcoming*)  
100 South Fifth Street, Suite 2500  
9 Minneapolis, MN 55402  
Telephone : 612-268-7006  
10 jnelson@spencerfane.com  
dheeman@spencerfane.com

11 *Attorneys for Defendant, MANCO ABBOTT,  
12 INC.*

13 **VAN KAMPEN & CROWE PLLC**

14 By: /s/ Al Van Kampen  
15 Al Van Kampen (WSBA No. 13670)  
avankampen@vkclaw.com  
16 P.O. BOX 33632  
Seattle, WA 98133  
Telephone: (206) 441-112

17 **VINSON & ELKINS LLP**

18 Michael W. Scarborough (*pro hac vice  
forthcoming*)  
Dylan I. Ballard (*pro hac vice forthcoming*)  
M. Kevin Costello (*pro hac vice forthcoming*)  
Madison Lo (*pro hac vice forthcoming*)  
555 Mission Street, Suite 2000  
19 San Francisco, CA 94105  
Telephone: (415) 979-6900  
Email: mscarborough@velaw.com  
Email: dballard@velaw.com  
Email: kcostello@velaw.com  
Email: mlo@velaw.com

20 Stephen Medlock (*pro hac vice forthcoming*)  
21 Molly McDonald (*pro hac vice forthcoming*)  
22 2200 Pennsylvania Avenue NW  
Suite 500 West  
Washington, DC 20037  
Telephone: (202) 639-6500  
Email: smedlock@velaw.com  
Email: mmcdonald@velaw.com

23 Mackenzie Newman (*pro hac vice  
forthcoming*)  
1114 Avenue of the Americas  
32nd Floor  
24 New York, NY 10036  
Telephone: (212) 237-0000  
Email: mnewman@velaw.com

25 *Attorneys for Defendant, BRIDGE  
PROPERTY MANAGEMENT, LLC*

26 STIPULATED MOTION FOR EXTENSION  
OF TIME TO RESPOND TO COMPLAINT & [PROPOSED ORDER]  
Case No.: 2:23-cv-01391-RSL

Matthew Carvalho  
Attorney at Law, PLLC  
720 Seneca Street  
Seattle, WA 98101  
(206) 799-688